IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.8699/2007
IN
APPEAL AGAISNT ORDER NO.60/2007
Smt. Usha w/o Giridhar Kedar
...Versus...
Smt. Vijaya @ Jaya w/o Narendra Kedar

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

[Shri A.G. Gharote, Adv. for applicant/appellant]
[Shri V.V. Bhangde, Adv. for respondent]

CORAM:- **A.B. CHAUDHARI, J.**
DATED :- 17.12.2007

Heard Shri Gharote, learned Counsel for the applicant and Shri Bhangde, learned Counsel for the respondent.

It appears that the *status quo* order that was issued by this Court while admitting the appeal is not being correctly interpreted and applied. From perusal of the notice under Section 149 of Cr.P.C., issued by the S.H.O., Katol, it appears that he has warned the applicant/appellant not to cultivate the field.

Learned Counsel for the respondent does not dispute that the issue regarding possession was not the subject matter of the application in the Trial Court and in the present appeal. That apart, now since Advocate Shri

Gharote for applicant/appellant complains that possession of the appellant is being attempted to be disturbed as is clear from the report lodged to the Police Station by the respondent, liberty will have to be given to the appellant to apply to the Trial Court for grant of injunction, if so advised against the attempted disturbance to the alleged possession of the appellant.

In view of this, it is clarified that the *status quo* order made by this Court is related only to the alienation of the suit properties and, consequently, the appellant is entitled to move application for protecting her alleged possession in the Trial Court. If such application is made, the Trial Court shall decide the same within a period of fifteen days from the date of filing of the same.

The observations made in this order shall not come in the way of the Trial Court, while deciding such application.

Civil Application stands disposed of.

JUDGE

ssw